

45D11-2202-CT-000145

Lake Superior Court, Civil Division 7

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Clerk

Lake County, Indian.

STATE OF INDIANA)
) SS: IN THE LAKE CIRCUIT/SUPERIOR COURT
COUNTY OF LAKE) CIVIL DIVISION ROOM _____
 SITTING IN _____, INDIANA

RAELYNN J. KUYKENDALL,)

Plaintiff,)

v.) CAUSE NO.: _____

GARY E. MANN and S.A.D.)

TRANSPORTATION L.L.C.,)

Defendants.)

COMPLAINT FOR DAMAGES AND JURY DEMAND

Comes now Plaintiff, RAELYNN J. KUYKENDALL, by counsel, Tolbert & Tolbert LLC,
and for her cause of action against the Defendants, states as follows:

COUNT I – GARY E. MANN

1. That on or about October 26, 2020, Plaintiff, RAELYNN J. KUYKENDALL, was
a resident of Gary, Lake County, Indiana.

2. That on or about October 26, 2020, Defendant, GARY E. MANN, was a resident
of Wauseon, Fulton County, Indiana.

3. That on or about October 26, 2020, Defendant, GARY E. MANN, was an employee
and/or agent of S.A.D. TRANSPORTATION L.L.C.

4. That on or about October 26, 2020, Plaintiff, RAELYNN J. KUYKENDALL, was
traveling westbound on US-12 (West 4th Avenue) near Buchanan Street in Gary, Lake County,
Indiana.

5. That on or about October 26, 2020, Defendant, GARY E. MANN, was traveling
northbound on Buchanan Street in Gary, Lake County, Indiana.

6. That on or about October 26, 2020, Defendant, GARY E. MANN, struck the Plaintiff's vehicle, causing the Plaintiff, RAELYNN J. KUYKENDALL, to lose control of her vehicle and hit a pole.

7. That on or about October 26, 2020, Defendant, GARY E. MANN, was careless and negligent in the following manner:

- a. Failing to maintain a proper lookout for other vehicles;
- b. Operating his motor vehicle at a rate of speed that was greater than reasonable and proper;
- c. Failing to obey traffic signals;
- d. Failing to exercise due care for the operation of his vehicle in order to avoid a collision; and
- e. was otherwise negligent.

8. As a direct and proximate result of Defendant's, GARY E. MANN, negligence and carelessness, Plaintiff, RAELYNN J. KUYKENDALL, sustained property damage and personal injuries, the effects of which may be permanent and lasting, has incurred doctor and medical expenses, and may continue to incur doctor and medical expenses in the future, has incurred pain and suffering, mental and emotional distress, and may continue to incur pain, suffering and distress in the future.

WHEREFORE, Plaintiff, RAELYNN J. KUYKENDALL, prays for judgment against Defendant, GARY E. MANN, in an amount that will reasonably compensate her for her damages, costs, interests and for all other just and proper relief in the premises.

COUNT II –S.A.D. TRANSPORTATION L.L.C.

Plaintiff adopts, re-alleges and incorporates by reference Paragraphs 1-8 of her Complaint, above, as though fully set forth herein.

9. That on or about October 26, 2020, Plaintiff, RAELYNN J. KUYKENDALL, was a resident of Gary, Lake County, Indiana.

10. That on or about October 26, 2020, Defendant, S.A.D. TRANSPORTATION L.L.C., was a for profit domestic corporation domiciled in Wauseon, Ohio, which conducted business transactions in the State of Indiana.

11. That on or about October 26, 2020, Defendant, GARY E. MANN, was an employee and/or agent of S.A.D. TRANSPORTATION L.L.C.

12. That on or about October 26, 2020, the Defendant, S.A.D. TRANSPORTATION L.L.C., owned, operated, maintained, and controlled through its employee and/or agent, a 2010 Peterbuilt TT semi-truck that was traveling northbound on Buchanan Street in Gary, Lake County, Indiana.

13. That on or about October 26, 2020, the vehicle owned, operated, maintained, and controlled through S.A.D. TRANSPORTATION L.L.C.'s employee and/or agent, struck the Plaintiff's vehicle, causing the Plaintiff, RAELYNN J. KUYKENDALL, to lose control of her vehicle and hit a pole.

14. At the aforesaid time and place, the Defendant, S.A.D. TRANSPORTATION L.L.C., was negligent in one or more of the following acts and/or omissions:

- a. Operating, managing, maintaining, and controlling through its employee and/or agent, a motor vehicle so that as a direct and proximate result thereof, the Plaintiff was injured;

- b. Operating, managing, maintaining, and controlling through its employee and/or agent, a motor vehicle without keeping a proper and sufficient lookout;
- c. Operating, managing, maintaining, and controlling through its employee and/or agent, a motor vehicle at a rate of speed that was greater than reasonable and proper;
- d. Operating, managing, maintaining, and controlling through its employee and/or agent, a motor vehicle that failed to obey traffic signals;
- e. Operating, managing, maintaining, and controlling through its employee and/or agent, a motor vehicle that failed to exercise due care for the operation of his vehicle in order to avoid a collision;
- f. Failing to properly train employees and/or agents on driving with safety;
- g. Was otherwise negligent; and
- h. Negligent by way of the actions of their employee and/or agent, GARY E. MANN.

15. As a direct and proximate result of Defendant's, S.A.D. TRANSPORTATION L.L.C., negligence and carelessness, Plaintiff, RAELYNN J. KUYKENDALL, sustained property damage and personal injuries, the effects of which may be permanent and lasting, has incurred doctor and medical expenses, and may continue to incur doctor and medical expenses in the future, has incurred pain and suffering, mental and emotional distress, and may continue to incur pain, suffering and distress in the future.

WHEREFORE, Plaintiff, RAELYNN J. KUYKENDALL, prays for judgment against Defendant, S.A.D. TRANSPORTATION L.L.C., in an amount that will reasonably compensate her for her damages, costs, interests and for all other just and proper relief in the premises.

Respectfully Submitted,

TOLBERT & TOLBERT LLC

/s/ Candace C. Williams

Michael E. Tolbert, #22555-64

Candace C. Williams, #34257-45

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Gary, IN 46402

(219) 427-0094

Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands trial by jury on all issues.

Respectfully Submitted,

TOLBERT & TOLBERT LLC

/s/ Candace C. Williams

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